REMARKS

The Applicant has carefully reviewed and considered the Office Action of 1 July 2005. In response the Applicant cancels claim 6 but otherwise argues for the allowance of claims 1-5 and 7-10 in their original form.

With respect to the rejection of claims 8-10 under 35 U.S.C. §112, second paragraph for indefiniteness, the Applicant notes that the veil elongation doesn't change. As described in the specification in, for example, paragraph 26, when compression molded the veil of the present invention elongates over about 400% without any visible holes or tears. Elongation of over about 400% as set forth in claim 10 includes and incorporates elongation of over 100% as set forth in claim 9 and elongation of over 50% as set forth in claim 8. Thus, claims 8-10 are consistent and correspond with the description set forth in the specification. Accordingly, the rejection of these claims under 35 U.S.C. §112, second paragraph should be withdrawn.

Turning now to the substantive issues, claims 1, 2, 4, 5 and 7-10 very clearly patentably distinguish over U.S. Patent 4,923,547 to Yamaji et al.

The standard for lack of novelty or "anticipation" is one of strict identity. As stated by the Court of Appeals for the Federal Circuit in *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 USPQ 81, 90 (Fed. Cir. 1986), "it is axiomatic that for prior art to anticipate under § 102 it has to meet every element of the claimed invention . . . ." In *In re Donohue*, 766 F.2d 531, 534, 226

USPQ 619, 621 (Fed. Cir. 1985), it was stated that "an anticipation rejection requires a showing that each limitation of the claim must be found in a single reference, practice or device."

Present claim 1 reads on a conformable veil comprising a plurality of fibers having an average length of between approximately 0.5 and 2 meters and a polystyrene-based binder applied to the fibers wherein that binder is substantially soluble in a sheet molding compound resin paste. Significantly the Yamaji et al. reference fails to teach the use of any fibers having an average length of between approximately 0.5 and 2 meters as set forth in present claim 1.

More specifically, the Yamaji et al. reference explicitly teaches the use of monofilament fibers having a length of between 10 to 200 mm or a maximum of 0.2 meters. Further, it should be appreciated that the Yamaji et al. reference teaches that the length range of from 10 to 200 mm is a critical aspect of the invention in order to provide the desired moldability to the mat. In particular the Examiner's attention is directed to col. 2 lines 57-59 and col. 3 line 65 to col. 4 line 2 of the Yamaji et al. reference. Since the fiber length range of 10 to 200 mm taught in the Yamaji et al. reference is critical to that reference and outside the length range of 0.5 to 2 meters set forth in present claim 1 an element of the presently claimed invention is absent from the Yamaji et al. reference. Accordingly, there is no basis whatsoever for rejecting present claim 1 under 35 U.S.C. §102 and this rejection should be withdrawn.

Further, it must be appreciated that the fiber length range of 0.5 to 2 meters set forth in present claim 1 is contraindicated by the Yamaji et al. reference. In particular, the Yamaji et al. reference teaches that moldability considerations require a fiber length range of 10 to 200 mm: a range that is between 2 ½ and 10 times less than the length range of 0.5 to 2 meters set forth in present claim 1. One skilled in the art reviewing the Yamaji et al. reference would not adopt the fiber length range of the present invention in view of the teachings of the Yamaji et al. reference relating to moldability. In effect the Yamaji et al. reference teaches away from the present invention. It is well established that it is error to find obviousness where references "diverge from and teach away from the invention at hand" (*W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 USPQ 303, 311 (Fed. Cir. 1983) and *In re Fine*, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988)) and, accordingly, the Yamaji et al. reference doesn't even provide a proper basis for the rejection of claim 1 under 35 U.S.C. §103.

Claims 2, 4, 5 and 7-10 which depend from claim 1 and are rejected on the same grounds are equally allowable for the same reasons. Further, these claims include additional limitations that add further support for their allowability. For example, claim 2 provides that the fibers have an average length of between approximately 1 and 2 meters. This length range is even further removed from the length range explicitly taught as critical in the Yamaji et al. reference than the length range of 0.5 to 2 meters set forth in claim 1. As such, there can be no doubt of the patentability of claim 2.

Claim 3 is rejected under 35 U.S.C. §103 for obviousness based upon a combination of the Yamaji et al. reference with U.S. Patent 4,579,774 to Kuwazuru et al. The Kuwazuru et al. reference is cited for its disclosure of teaching the provision of binder material in a fiber impregnated product.

As noted above, the primary reference to Yamaji et al. explicitly teaches away from the present invention by providing that a fiber length of 10 to 200 mm is necessary in order to provide desired moldability. The secondary reference to Kuwazuru et al. teaches that the glass fibers should have a length of 0.01 to 30 mm (see col. 3 lines 28-31). Accordingly, the teachings of the primary reference to Yamaji et al. and the secondary reference to Kuwazuru et al. relating to fiber length both diverge from and teach away from a fiber length of 1 to 2 meters set forth in claim 2 from which claim 3 depends. As such it is very clear that claim 3 patentably distinguishes over the cited art and should be allowed.

In summary, it is the fiber length of 0.5 to 2 meters set forth in present claim 1 and the fiber length of 1 to 2 meters set forth in claim 2 that provide the desired fiber entanglement to decrease fiber prominence at the visible surface of the composite part and thereby improve the smoothness of the visible surface. This entanglement also increases the loft of the formed parts (see paragraph 28 of the present application). The use of longer fibers in order to achieve these desirable benefits is simply neither taught nor suggested in the references. In fact the primary reference to Yamaji et al. leads one skilled in the art away from using fibers longer than 0.2 meters in length as such use adversely affects

moldability. Based upon these comments it is very clear that pending claims 1-5 and 7-10 patentably distinguish over the prior art of record and should be formally allowed. Upon careful review and consideration it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

If any fees are required in respect to this amendment, please debit from Deposit Account 50-0568.

Respectfully submitted,

By: _____
James J. Dottavio
Reg. No. 40,360

Owens Corning
Patent Dept. Bldg. 11
2790 Columbus Road
Granville, Ohio 43023
(740) 321-7167

Dated: 9-12-05